



BOULT ■ CUMMINGS®
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December 10, 2004

3 TN REGULATORY AUTHORITY
DOCKET ROOM

Via Facsimile (615) 799-6358

Richard Militana
Militana & Militana
5845 Old Highway 96
Franklin, TN 37064

Re: *In Re: Petition of King's Chapel Capacity*
Docket No. 04-00335

Dear Richard:

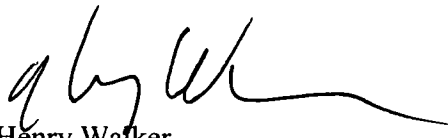
Charles and Bob Pickney were today served with subpoenas to appear for depositions on December 13, 2004, in the Franklin, Tennessee, law office of Shane Brassfield, in connection with the above-captioned matter now pending before the Tennessee Regulatory Authority.

We are unable to attend. We will be happy to discuss with you arranging these depositions at another, mutually convenient time and place. In the absence of an agreement, you must provide timely notice of the depositions in accordance with the Tennessee Rules of Civil Procedure.¹ In my opinion, you must also request and obtain permission from the Hearing Officer assigned to this case before you can require my clients to be deposed.²

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By.


Henry Walker

HW/djc

Cc: Charles Pickney
Bob Pickney
Chuck Welch
Jean Stone

¹ Under TRCP 30.02, you must serve the other party with notice of the deposition at least five business days (seven business days, in this case, because the depositions are not in Davidson County) See also Rule 6 01. My clients received service one business day prior to the scheduled depositions

² TRA Rule 1220-1-2- 11 states that a party may "petition for discovery" and that no discovery shall be undertaken "until a discovery schedule is set " The procedural order issued on December 3, 2004, does not provide for taking depositions